

CRAVATH

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August 8, 2023

Nedgra Baker v. MTA Bus Company, et al., No. 18-cv-12231 (TMR)(KHP)

Dear Judge Reif:

I write on behalf of Nedgra Baker, the Plaintiff in the above-captioned matter in response to the Notice of Filing of Official Transcript (Dkts. 80, 81). Pursuant to Rule 5.B of Your Honor's Individual Rules of Practice and Rule 21.4 of the Southern District of New York's ECF Rules & Instructions, Mr. Baker respectfully requests that certain limited information in the transcript of the August 3, 2022 Oral Argument identified in the above-mentioned Notice of Filing of Official Transcript be redacted and not filed publicly, as set forth in the highlighted version of the transcript filed herewith as **Exhibit A**. Rule 5.B and ECF Rule 21.4 specifically identify the categories of information that Mr. Baker requests to redact as personal sensitive information that litigants may file under seal without prior court approval.

The transcript of the August 3, 2022 Oral Argument contains sensitive information regarding Mr. Baker's (a) "employment history" and (b) "medical records, treatment, and diagnosis". (See ECF Rule No. 21.4.) Specifically, the transcript contains sensitive discussions regarding Mr. Baker's employment record, along with sensitive medical evaluations of Mr. Baker performed by physicians. "[T]ermination and disciplinary records . . . [and] medical records . . . often implicate privacy concerns and have the potential to embarrass the subject employee if [public]."*Duling v. Gristede's Operating Corp.*, 266 F.R.D. 66, 74 (S.D.N.Y. 2010); *see also In re Gen. Motors LLC Ignition Switch Litig.*, 2015 WL 2130904, at *2 n.3 (filings that included plaintiff's "medical information and employment history" filed under seal because "a party may redact such information without prior Court approval"); *United States v. Pirk*, 2018 WL 3118279, at *2 (W.D.N.Y. June 25, 2018) (filings containing information regarding party's employment history filed under seal). As in those cases, the information contained in the transcript of the August 3, 2022 Oral Argument has the potential to embarrass Mr. Baker and otherwise cause him harm, for example when applying to other jobs. On the other hand, there is little or no value to the public in being able to view Mr. Baker's specific work and medical records. This Court last week allowed substantially similar information in its Opinion and Order to remain under seal. (See Dkt. 90.)

Defendant MTA Bus has advised that it takes no position with respect to Mr. Baker's request.

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Respectfully,

/s/ *Alejandro Carvajal*
G. Alejandro Carvajal

Hon. Timothy M. Reif
United States Court of International Trade
1 Federal Plaza
New York, NY 10278

VIA ECF

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GRANTED. The Official Transcript is to be redacted and not filed publicly, as set forth in the highlighted version of the transcript filed as Exhibit A.

SO ORDERED

DATE August 18, 2023

Timothy Reif

TIMOTHY M. REIF, JUDGE
UNITED STATES COURT OF
INTERNATIONAL TRADE
SITTING BY DESIGNATION
UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF
NEW YORK